

July 7, 2003

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.,
Washington, DC 20554

Re:

In the Matter of Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2590 MHz Bands, WT Docket No. 03-66 RM-10586;

Part 1 of the Commission's Rules – Further Competitive Bidding Procedures, WT Docket No. 03-67;

Amendment of Parts 21 and 74 to Enable Multipoint Distribution Service and the Instructional Television Fixed Service Amendment of Parts 21 and 74 to Engage in Fixed Two-Way Transmissions, MM Docket No. 97-217;

Amendment of Parts 21 and 74 of the Commission's Rules With Regard to Licensing in the Multipoint Distribution Service and in the Instructional Television Fixed Service for the Gulf of Mexico, WT Docket No. 02-68 RM-9718

In the Matter of Appropriate Framework for Broadband Access to the Internet over Wireline Facilities, CC Docket No. 02-33

Universal Service Obligations of Broadband Providers, CC Docket No. 02-33

Computer III Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services; 1998 Biennial Regulatory Review – Review of Computer III and ONA Safeguards and Requirements, CC Dockets Nos. 95-20, 98-10

Appropriate Regulatory Treatment for Broadband Access to the Internet over Cable Facilities, CS Docket No. 02-52

Notice of Oral Ex Parte Presentation

Dear Ms. Dortch:

On Monday, July 7, 2003, Peter Pitsch, Intel Corporation met with Commissioner Kevin Martin. In the course of the discussion Mr. Pitsch discussed the potential benefit of the industry coalition proposal for reforming the MMDS and ITFS bands and how it might be improved by applying the simultaneous exchange and other recommendations

in OPP Working Paper Number 38. These issues have been raised in the proceeding referenced in the first four dockets listed above.

Mr. Pitsch also discussed the High Tech Broadband Coalition positions regarding the Title I broadband proceedings referenced above. These positions which are set out in HTBC's pleadings include:

- The Commission should adopt its tentative conclusion that wireline broadband Internet access is an information service that should be subject only to minimal regulation.
- Consistent with this classification, the Commission should allow the market for wireline broadband Internet access service to develop with little regulatory intervention.
- The Commission should maintain its policy that requires ILECs who provide affiliated ISPs with a broadband transmission service to make the same transmission service available to unaffiliated ISPs on a nondiscriminatory basis.
- Wireline broadband providers, including the ILECs, should be permitted to negotiate privately the terms of new broadband transmission service arrangements with ISPs.
- However, the ILECs should make any such arrangements with their affiliated ISPs available to unaffiliated ISPs on terms that are the same.
- The Commission should revisit these requirements in two years.
- Any continuing regulation should be imposed in a competitively neutral manner.

Pursuant to Section 1.1206(b) of the Commission's Rules, an electronic copy of this letter is being submitted to the Secretary's Office and to Commissioner Martin. Please inform me if any questions should arise in connection with this filing.

Respectfully submitted,

Peter K. Pitsch

Cc:

Commissioner Kevin Martin